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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,163	07/12/2005	Akira Kida	59395US006	8457
32692 7590 08/08/2007 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER TYNAN, MATTHEW	
			ART UNIT 2871	PAPER NUMBER
			NOTIFICATION DATE 08/08/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/542,163

Applicant(s)

KIDA, AKIRA

Examiner

Matthew Tynan

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: KR 10-2001-0053799, KR-10-2001-0053800.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/4/2007 have been fully considered.
2. Applicant's amendments have overcome the rejections of claims 1-3 and claim 1 under 35 U.S.C. 102(b) as being anticipated by Bodde (U.S. 2,242,567) and James (U.S. 2,905,757), respectively. Therefore, these rejections are withdrawn.
3. Regarding the rejection of claims 1-4 under 35 U.S.C. 102(b) as being anticipated by Marsh (U.S. 2,44,520), the applicant argues (pg. 6) that Marsh does not teach or suggest multiple optical films having gaps between them, but this is not persuasive. The examiner points to Figs. 4 and 5, each showing two optical films (40 and 50) having gaps between them.
4. Regarding the rejection of claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Kuroiwa et al. (U.S. 6,317,180) in view of Marsh, the applicants arguments are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Marsh (U.S. Patent No. 2,444,520).
7. Regarding claim 1, Marsh discloses:
  - At least two optical films (40, 50, Fig. 4).

- A least four optical film fixing parts (slots) disposed at an outer peripheral portion of said optical film.
- A film tension controlling member (16) attached at one of the ends thereof to each of said film fixing parts.
- A film fixing frame (10) connected to the other end of said film tension controlling member.
- The optical film, film tension controlling member, and film fixing frame are integrated with one another and are constituted into one component, and wherein said at least two optical films are stacked with a gap between them.

8. Thus, Marsh meets all of the claim limitations in the body of claim 1. Regarding the preamble, Marsh does not teach the optical film structure disposed on a light transmission surface of an illumination unit. However, the structure taught by Marsh could be applied to such a use.

9. Therefore, claim 1 is unpatentable.

10. Regarding claim 2, Marsh teaches the optical film is a polarization film (col. 2, lines 44-46).

11. Therefore, claim 2 is unpatentable.

12. Regarding claim 3, Marsh teaches the film tension controlling member is formed of an elastic material (col. 2, lines 29-30).

13. Therefore, claim 3 is unpatentable.

14. Regarding claim 4, Marsh teaches the elastic material is a spring (col. 2, lines 29-30).

15. Therefore, claim 4 is unpatentable.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (KR 10-2001-0053799).

18. Regarding claim 1, Lee discloses at least two optical films (11, Drawing 4); a plurality of optical film fixing parts (21, Drawing 4); a film tension controlling member attached at one of the ends thereof to each of the film fixing parts in such a fashion as to be capable of pulling each of said optical films under tension; a film fixing frame (8) for fixing said optical films; the films, film tension controlling member, and the film fixing frame are integrated with one another; and the at least two optical films are stacked with a gap between them (see Drawing 3).

19. Lee does not disclose that there are at least 4 optical film fixing parts. However, the reference suggests (Structure and Function of the Invention, paragraphs 5) that a plurality of the film fixing parts are arranged around the mold frame (8) and set up so that the tension is toward each direction of the outer frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use at least 4 optical film fixing parts in the device disclosed by Lee in order to have tension in all outward directions.

20. Therefore, claim 1 is unpatentable.

21. Regarding claim 2, Lee discloses a prism sheet (5) and a diffusion sheet (6) for use in improving the light distribution from the backlight.

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22. Therefore, claim 2 is unpatentable.

23. Regarding claim 3, Lee discloses the film tension controlling member is formed of an elastic material.

24. Therefore, claim 3 is unpatentable.

25. Regarding claim 4, Lee discloses the elastic material is a spring.

26. Therefore, claim 4 is unpatentable.

27. Regarding claim 6, Lee discloses the optical film structure for use between an LCD unit and an illumination unit.

28. Therefore, claim 6 is unpatentable.

29. Regarding claim 7, Lee discloses an illumination unit including at least one light source and a light transmission surface for guiding the rays from the light source and the optical film structure of claim 1. Therefore, claim 7 is unpatentable.

30. Regarding claim 8, Lee discloses the apparatus of claim 7 for use as a backlight unit for an LCD device.

31. Therefore, claim 8 is unpatentable.

32. Regarding claim 9, Lee discloses an illumination unit at least including one light source and a light transmission surface; an optical film structure as defined in claim 1 arranged on the light transmission surface; and an LCD unit arranged on the optical film structure.

33. Therefore, claim 9 is unpatentable.

34. Regarding claim 10, Lee discloses the illumination unit is a backlight unit.

35. Therefore, claim 10 is unpatentable.

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36. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (KR 10-2001-0053800).

37. Regarding claim 1, Lee discloses at least two optical films (11, Drawing 4); a plurality of optical film fixing parts (35, Drawing 4); a film tension controlling member (32) attached at one of the ends thereof to each of the film fixing parts in such a fashion as to be capable of pulling each of said optical films under tension; a film fixing frame (8) for fixing said optical films; the films, film tension controlling member, and the film fixing frame are integrated with one another; and the at least two optical films are stacked with a gap between them (see Drawing 3).

38. Lee does not disclose that there are at least 4 optical film fixing parts. However, the reference suggests that a plurality of the film fixing parts are arranged around the mold frame (8) and set up so that the tension is toward each direction of the outer frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use at least 4 optical film fixing parts in the device disclosed by Lee in order to have tension in all outward directions.

39. Therefore, claim 1 is unpatentable.

40. Regarding claim 2, Lee discloses a prism sheet (5) and a diffusion sheet (6) for use in improving the light distribution from the backlight.

41. Therefore, claim 2 is unpatentable.

42. Regarding claim 3, Lee discloses the film tension controlling member is formed of an elastic material.

43. Therefore, claim 3 is unpatentable.

44. Regarding claim 4, Lee discloses the elastic material is a spring.



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45. Therefore, claim 4 is unpatentable.

46. Regarding claim 6, Lee discloses the optical film structure for use between an LCD unit and an illumination unit.

47. Therefore, claim 6 is unpatentable.

48. Regarding claim 7, Lee discloses an illumination unit including at least one light source and a light transmission surface for guiding the rays from the light source and the optical film structure of claim 1. Therefore, claim 7 is unpatentable.

49. Regarding claim 8, Lee discloses the apparatus of claim 7 for use as a backlight unit for an LCD device.

50. Therefore, claim 8 is unpatentable.

51. Regarding claim 9, Lee discloses an illumination unit at least including one light source and a light transmission surface; an optical film structure as defined in claim 1 arranged on the light transmission surface; and an LCD unit arranged on the optical film structure.

52. Therefore, claim 9 is unpatentable.

53. Regarding claim 10, Lee discloses the illumination unit is a backlight unit.

54. Therefore, claim 10 is unpatentable.

### *Conclusion*

55. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Tynan whose telephone number is 571-270-1433. The examiner can normally be reached on Mon-Fri. 7:30-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT

  
MATTHEW TYNAN  
PRIMARY EXAMINER